MR 1815

1947

File No. Medical practns. II/47

Legal **DEPARTMENT**

B **BRANCH**

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Subject:—

Rules and Notifications under Bombay Medical Practitioners Act, 1938

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File No. Medical Practitioners II/47

Std. Sectt. Slip 24 B e.

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Action Taken:
11/5/56.
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Office of the H.L. A.

A revised ~~d~~ draft notification is sent herewith.

Section 22(7) of the Bombay Medical Practitioners' Act, 1938, provides that an Inspector shall receive such remuneration to be paid as part of the expenses of the Board, as the Board, with the previous sanction of the Provincial Government, may determine. Under this provision the remuneration to be paid to an Inspector has to be determined by the Board and it will therefore be for the Board to take any orders as it considers necessary for determining the allowances to be paid to the ~~Inspectors~~ Inspector after obtaining the previous ~~sanc~~ sanction of the Provincial Government. The Provincial Government cannot make any rule under section 29 of the Act for the purpose. The draft rule proposed by the Health and Local Government Department for prescribing the rate of the travelling and halting allowance tobe drawn by an Inspector has therefore been omitted from the revised draft notification.

Dy. P.H.L. 26/6/47
Re embrancer of Legal Affairs.

U. R. to H. & Local Govt. Deptt. ,No. 5781 dated 3rd June. 1947

Medical Tenderden.
11/5.

c/4.

Bombay Medical Practitioners' Act, 1938.

NOTIFICATION.

Health and Local Government Department,
Bombay Castle, June 1947.

No. - The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 29 of the Bombay Medical ~~Practitioners~~ Practitioners' Act, 1938 (Bom. XXVI of 1938), is published as required by sub-section (1) of the said section 29 for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the .....x.....

X To be filled in

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Health and Local Government Department from any person with respect to the said draft before the date aforesaid will be considered by Government:-

DRAFT NOTIFICATION.

No. - In exercise of the powers conferred by section 29 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938), the Government of Bombay is pleased to amend the Bombay Medical Practitioners' Rules, 1939, as follows, namely:-

In the said rules,-

(1) for clause (ii) of rule 50, the following shall be substituted, namely:-

" (ii) A non-official member shall be entitled to draw travelling allowance at the rate of one and three fourths second class fare both ways in addition

to the halting allowance and the road mileage admissable according to the rules applicable to second grade Government officers. The halting allowance will be admissible to such member for any day on

Madhav Naokadam.
11/5.

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which he is required to halt at a place which is not the place where his permanent residence is situated on account of the business of the Board or the Committee."

(2) after rule 115, the following new rule shall be inserted, namely :-

" 115 A. Any money received by the Board in advance towards payments of fees shall, if not claimed by the person entitled thereto within a period of three years for the date of receipt be credited at the end of the month of March next following such period to the account of the Board."

By order of the Governor of Bombay,

Secretary to Government.

Bombay Bookdepot.
11/5.
c/5.

Attached to the R.L.A.

17.

The proposed draft notification on p. 15 ante seeks inter alia to exempt persons with foreign qualifications from the provisions of section 32 of the Bombay Medical Practitioners' Act, 1938, if such persons follow the rules laid down by the Bombay Medical Council for the ~~exempt~~ regulation of the profession though not being registered they will not be subject to the disciplinary jurisdiction of the Council. It is ~~xxx~~ therefore necessary to specify the rules for the regulation of the profession in the notifications in order to enable the exempted persons to know what rules they are to follow. The Health and Local Government Department is therefore requested to point out the rules in view and also to ~~furnish~~ furnish a copy of the same.

sd/- A. R. Khan.

For Remembrancer of Legal Affairs.

U. R. & H. & L. G. D. No. 5913 dated the 5th June, 1947.

Madhav Baokaden.
11/5.
6/5.

Office of the R.L.A.

A revised draft notification is sent herewith.

The provision in the Health and Local Government Department draft Notification at page 15 ante requiring persons to follow the rules laid down by the Bombay Medical Council for the regulation of the medical profession is more of a condition than a characteristic which distinguishes one body or group of individuals from another body or group. The Provision has therefore been omitted from the revised draft The object in view can be achieved by issuing a press note that the persons in question have been excepted from the operation of section 32 of the Act on the understanding that they will follow the Code of Medical Ethics and the Warning Notice appearing in the British Medical Register.

sd/- D.V.V.
Superintendent of Legal Affairs.

U. R. to H. & L. G. Deptt., No. 205-confl. dated the 4th July 1947.

Madhav Godbole.
11/5.

a/5.

NOTIFICATION

Health and Local Government Department.

Bombay Castle, July 1947.

Bombay Medical Practitioners' Act, 1938.

No. - In exercise of the powers conferred by the proviso to section 32 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) the Government of Bombay is pleased to direct that the provisions of the said section 32 shall not apply to persons who-----

(i) possess foreign qualifications entitling them to practice in the country in which the qualifications are acquired and which in the opinion of the ~~Govt~~ Bombay Medical Council established under the Bombay Medical Act, 1912, are not inferior to the M.B.B.S. degree of the University of Bombay; and

(ii) are born in India of parents of Indian ~~domicile~~ domicile.

By order of the Governor of Bombay,

Rapit, Secretary to Government.

Madhav Govind.
11/5.
8/5.

Office of the R.L.A.

Under sub-section (2) read with sub-section (5) of section 22 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) the Government of Bombay is to authorise the institutions on the recommendation of the Board, to hold qualifying examinations and not to declare that certain examinations held by the Bombay University or the Ayurvedic and Unani Tibbia College shall be qualifying examinations for the purposes of registration under section 16 (1) of the said Act. Accordingly the draft notification proposed by the H. & L. G. D. at p. 55 is not in order. If the intention is to authorise those institutions to hold the examinations mentioned therein which would confer the right of registration under Part II of the said Act, the requisite draft notification is sent herewith.

Sd/- P.H.L. 13/12

Remembrancer of Legal Affairs.

U. R. to H. & L.G.D. No. 12055 dated the 15th December, 1947.

Madhav Reshimdeo.
11/5.
c/5.

NOTIFICATION.

Health and local Government Department,
Bombay Castle, December, 1947.

Bombay Medical Practitioners' Act, 1938.

No. 3334/43-H — In exercise of the powers conferred by sub-section (2) of section 22 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) the Government of Bombay is pleased to authorise the institutions specified in column 1 of the Schedule hereto, to hold the qualifying examinations in the Indian Systems of Medicines for the purpose of granting diplomas mentioned against them in column 2 thereof, conferring the right of registration under Part II of the said Act.

SCHEDULE.

Institutions.	Diplomas.
1. The Banaras Hindu University, Benares.	Ayurvedacharya either with 'Medicine' and and Surgery or with 'Modern Medicine and Surgery'.
2. The Ayurvedic and Unani Tibbia College, Delhi.	Fazil-i-Tib-O-Jarahat and Kamil-i-Tib-o Jarahat.

By order of the Governor of Bombay,

Deputy Secretary to Government.

Medhav Raoketan.
11/5.
6/5.